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**REMARKS****Claim Rejections - 35 USC §102(b)**

1. The Examiner's rejection of Claims 56-61 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,666,500 to Roberson, has been studied and the Applicant has canceled these Claims. The Applicant has assumed that the Examiner meant to reject Claims 56-66 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,666,500 to Roberson and as such has canceled Claims 62-66 for the same reasons.

**Claim Rejections - 35 USC §102(b)**

2. The Examiner's rejection of Claims 1, 28, 32, 36-37, 40, 41, and 49 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,742,768 to Gennaro et al., has been studied and the Applicant respectfully submits that the cited reference does not disclose or anticipate at least one of the elements found in the rejected Claims.

Contrary to the Examiner's contention, the Gennaro patent does not disclose the banner display means having a menu display means for presenting a menu of navigation options when an end-user clicks on the banner as found in Claim 1. The Gennaro patent, column 4, lines 31-42, discloses "FIG. 2B shows an embedded menu 46 in displayed web page 40 which has been invoked by positioning of pointer 42 over the upper hot spot 44. In the illustrated example, selection of the upper hot spot 44 is indicated by highlighting that hot spot 44 with a halo, as shown. Embedded menu 46 includes a banner that matches the text ("WHO WE ARE") that was associated with the selected hot spot 44 in FIG. 2A." Clearly the "embedded menu" in Gennaro is not presented when an end-user clicks on the banner as in the rejected Claims of the present Application but rather when the end-user clicks on one of the hot spots 44. Furthermore, the "banner" in Gennaro clearly is just a heading or title for the "embedded menu" and is not a banner used for advertising.

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As further regards Claim 28, ~~contrary to the~~ Examiner's contention, the Gennaro patent does not disclose publishing software for producing and changing banner software for displaying banners nor does the Gennaro patent disclose a means for storing the banner software for distribution to the end-user computer. The banner in Gennaro is a non-changing title of the embedded menu and no mention is made of software for changing the banner.

As further regards Claims 36 and 37, contrary to the Examiner's contention, the Gennaro patent does not disclose an alerting means for alerting the end-user that the message has been sent to the end-user computer. No mention whatsoever is made of messaging or alerting in the Gennaro patent. The Gennaro patent does not disclose messaging software for producing and sending a message that appears on the screen of end-user computers that have banner software installed on the end-user computers. Nothing in the Gennaro patent discloses the messaging software having a means for inputting the message to be transmitted to and displayed on the end-user computers. The Gennaro patent does not disclose or even discuss a means for sending or displaying messages when the banner is displayed on a screen on an end-user computer. The Gennaro patent discloses embedding a menu in a web page to allow a user of a web browser to access multiple links through one action in the web page. No mention is made of changing or alerting a user to any changes in either the displayed webpage or banner or embedded menu. The Examiner contends that Gennaro teaches the software as claimed in Claim 36 further comprising an alerting means for alerting the end-user that the message has been sent to the end-user computer (col. 3, lines 26-64, displaying a banner is considered alerting the user of a message). The Examiner's contention is not supported by the disclosure or claims in Gennaro. The banner in Gennaro doesn't change, no mention is made of any message in Gennaro, and nothing in Gennaro even hints of such an element, purpose, or function.

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Therefore, the Applicant respectfully submits that the remarks above clearly prove that there is an absence of features of the presently claimed invention in the cited reference. The Applicant respectfully submits that the Examiner's rejection of Claims 1, 28, 32, 36-37, 40, 41, and 49 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,742,768 to Gennaro et al., has been overcome by the remarks above and that these Claims are in condition for allowance.

### Claim Rejections - 35 USC § 103

3. The Examiner's rejection of Claims 2-27, 29, 31, 33-34, 42-48, and 50-53 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references. As clearly proven above, Gennaro fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable".

The Hoyle patent teaches displaying of a window containing a banner region 28 for advertisements or other messages processed by an ADM module 14 and downloading new banners from the ADM server 22 based on computer usage information sent to the ADM server 22 for use in profiling the end-user and better targeting future advertising to the end-user. Hoyle does not teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable". The Hoyle and Gennaro patents disclose and teach static banners that offer no functionality such as the banner in the Claims of the present

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Application which contains a menu display means for presenting a menu of navigation options when an end-user clicks on the banner.

The Examiner contends that it would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners (Hoyle, col. 16, lines 9-23). There does not appear to be any user interaction with a banner in Gennaro. The user in Gennaro can choose hot spot 44 that then causes an embedded menu 46 with a to be displayed but the banner does not relate to advertising. In fact, the term advertising cannot be found in Gennaro and the purpose of Hoyle is advertising. Contrary to the Examiner's contention, the Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners because there does not appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro, and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection.

The Applicant respectfully disagrees with the Examiner's assertion that, as to the rejection of Claims 34 and 53, Hoyle teaches an alerting means for alerting the end-user that the banner software has been changed on the end-user computer. Claims 34 and 53 include "an alerting means for alerting the end-user that the banner software has been changed on the end-user computer." The Applicant cannot find any indication of such an

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alerting means in either the Hoyle or Gennaro patents. There is nothing in either reference to alert the user that banner has been updated or changed enticing the user to go to the banner and see the change such as in the present Claims.

In summary, the Applicant respectfully submits that there is an absence of features of the present Claims in the cited references and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references. Neither Gennaro or Hoyle teach or disclose "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable". Therefore, the Applicant respectfully submits that the Examiner's rejection of Claims 2-27, 29, 31, 33-34, 42-48, and 50-53 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, has been overcome by the remarks above.

4. The Examiner's rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 6,678,663 to Mayo, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references as clearly proven above. Gennaro and Hoyle fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the navigation options are URLs on a network to which an end-user computer is connectable" and it would not have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means

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for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner allows an advertiser to subsequently send more relevant banners because there does not appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection.

Therefore, the Applicant respectfully submits that the Examiner's rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 6,678,663 to Mayo, has been overcome by the remarks above.

5. The Examiner's rejection of Claims 35, 38-39 and 54-55 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 5,666,500 to Roberson, has been carefully studied and the Applicant respectfully disagrees with the Examiner because there is an absence of features of the presently claimed invention and there is not even a suggestion in the cited references that would lead one skilled in the art to combine the Gennaro and Hoyle references as clearly proven above. Gennaro and Hoyle fails to teach "a menu display means for presenting a menu of navigation options when an end-user clicks on the banner and at least a portion of the 1708H navigation options are URLs on a network to which an end-user computer is connectable" and it would not have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gennaro regarding a means for displaying navigation options with the teachings of Hoyle regarding the monitoring of a user's behavior because information about a user's interaction with a banner

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allows an advertiser to subsequently send more relevant banners because there does not appear to be any disclosure or teaching or suggestion of any user interaction with banners in Gennaro and Gennaro is totally silent as to advertising. The Applicant further respectfully submits the prior art fails to teach or even suggest the combining of the Gennaro and Hoyle patents for the purpose of a 103 rejection.

Therefore, the Applicant respectfully submits that the Examiner's rejection of Claims 35, 38-39 and 54-55 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,768 to Gennaro et al., in view of U.S. Patent No. 6,141,010 to Hoyle, and further view of U.S. Patent No. 5,666,500 to Roberson,, has been overcome by the remarks above.

6. Therefore, the Applicant respectfully submits that the Examiner's rejections of Claims 1-66 have been overcome by the remarks above and requests that all pending Claims be passed on to issue.

  
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